

Notice of Allowability

Application No.

10/518,757

Examiner

Helene Klemanski

Applicant(s)

OSHAUGHNESSY ET AL.

Art Unit

1755

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment and Declaration filed July 24, 2006.
2. ☒ The allowed claim(s) is/are 1-8.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

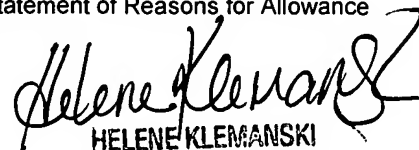
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

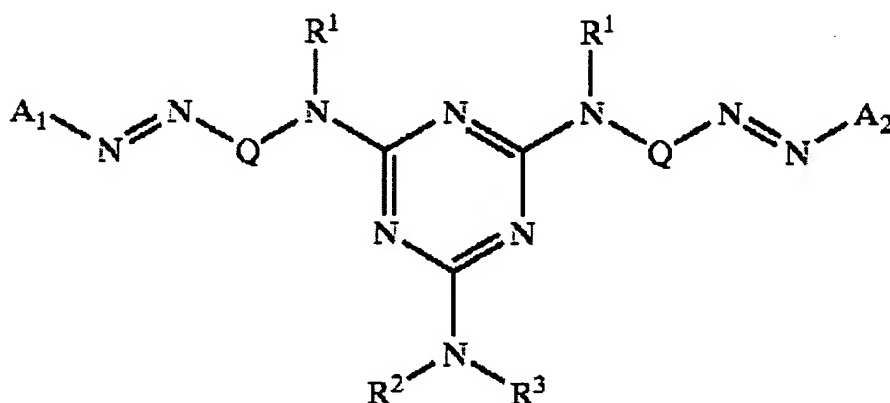
1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

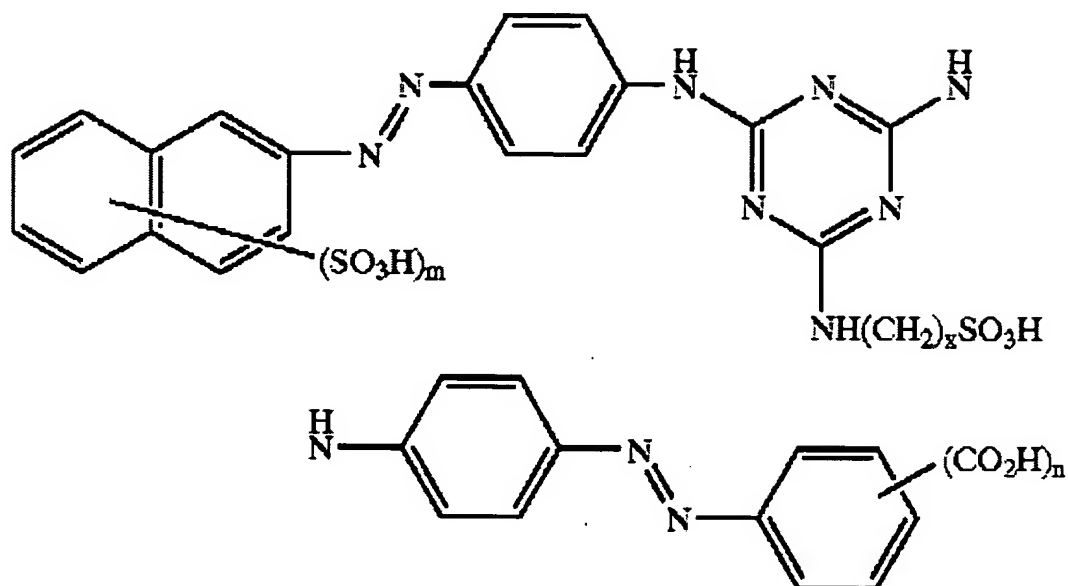

HELENE KLEMANSKI
PRIMARY EXAMINER
GROUP 1700

REASONS FOR ALLOWANCE

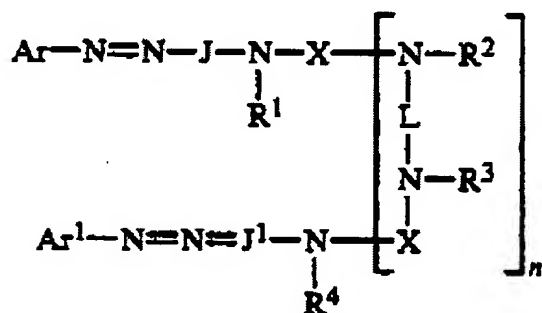
1. The following is an examiner's statement of reasons for allowance: This application teaches a disazo compound of the formula



wherein A_1 and A_2 are each independently optionally substituted phenyl or naphthyl; each Q independently is optionally substituted phenylene; each R^1 independently H or optionally substituted alkyl; R^2 is H or optionally substituted alkyl and R^3 is alkyl carrying a sulfo group; provided that the above compound carries at least one carboxylic acid group and provided that the above compound is not a compound of the formula

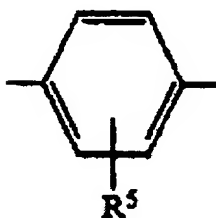


wherein m is 1 or 2; n is 1 or 2 and x is 2 to 4 and an ink composition containing the above disazo compound. The closest prior art of record is U.S. Patent No's. 5,374,301 and 5,328,995, issued to Gregory et al. and Schaulin et al. respectively. Gregory et al. teach an ink composition comprising a dye of the formula

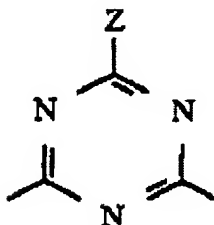


wherein Ar and Ar¹ are each independently aryl or substituted aryl provided that at least one of Ar and Ar¹ has at least one COOH as a substituent; J and J¹ are each independently of the formula

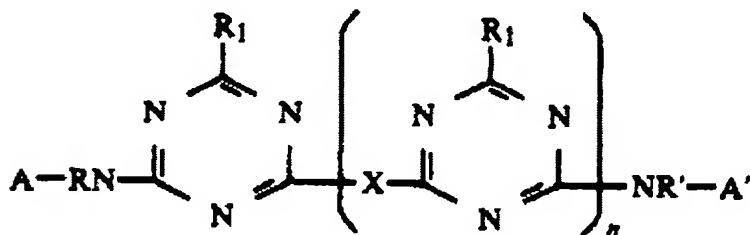
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wherein each R^5 is independently selected from H, alkyl, substituted alkyl, alkoxy, halogen, CN, ureido and $NHCO R^6$; R^6 is H alkyl, aryl, substituted aryl, aralkyl or substituted aralkyl; R^1 and R^4 are each independently H, alkyl or substituted alkyl; n is 0; X is a group of the formula

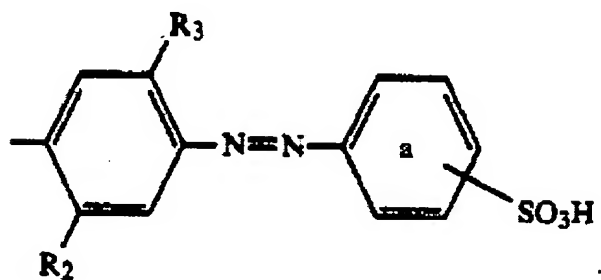


wherein Z is NR^8R^9 ; R^8 and R^9 are independently substituted alkyl provided (i) if the above dye formula has no $-SO_3H$ groups then it has at least two $-COOH$ groups and (ii) the above dye formula has at least as many $-COOH$ groups as $-SO_3H$ groups but fail to specifically exemplify an azo dye wherein R^4 (i.e. pertaining to applicants R^3) is an alkyl group carrying a sulfo group as claimed by applicants. Schaulin et al. teach an azo dye for dyeing and printing fiber materials of the formula

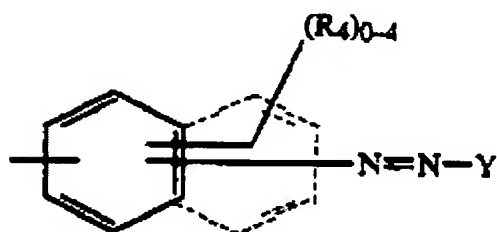


wherein A is the radical of the formula

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A' is a radical of the formula



R and R' are each independently H or substituted or unsubstituted C₁₋₄ alkyl; R₁ is sulfo substituted N-mono- or N,N-di-C₁₋₄ alkylamino such as β-sulfoethylamino; n is 0; R₂ and R₃ are each independently C₁₋₄ alkyl, C₁₋₄ alkoxy, sulfo, chlorine, OH, COOH or unsubstituted or hydroxyl substituted C₂₋₄ alkanoylamino; the above phenyl radical a may be further substituted; (R₄)₀₋₄ represents from 0 to 4 identical or different radicals selected from C₁₋₄ alkyl, C₁₋₄ alkoxy, sulfo, chlorine, COOH or OH and Y is phenyl which may be further substituted with a COOH group but fail to specifically exemplify an azo dye wherein R¹ (i.e. pertaining to applicants R³) is sulfo substituted N-mono- or N,N-di-C₁₋₄ alkylamino as claimed by applicants. Applicants have provided a Declaration showing that the addition of the above disazo compound provides an ink having unexpected results in the form of improved light fastness and ozone fastness as compared to the inks of Gregory et al. or Schaulin et al. Accordingly, applicants

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showing of unobvious and unexpected results have overcome the 103(a) rejections over Gregory et al. and Schaulin et al. and the application is allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

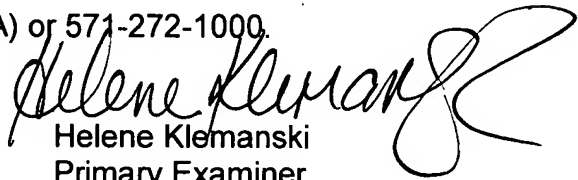
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Helene Klemanski whose telephone number is (571) 272-1370. The examiner can normally be reached on Monday-Friday 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo can be reached on (571) 272-1233. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Helene Klemanski
Primary Examiner
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HK
September 6, 2006